

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

WESTERN WIRELESS CORPORATION)

Petition For Designation as an)
Eligible Telecommunications Carrier)
In the State of Wyoming)

CC Docket No. 96-45

DA 99-2511

REPLY COMMENTS OF WESTERN WIRELESS

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Executive Summary

By expeditiously designating Western Wireless as an eligible telecommunications carrier ("ETC") for Wyoming, the FCC will not only reach the result compelled by the law and the record in this case – it can also achieve two key benefits. First, expeditiously designating Western Wireless would clarify lingering substantive questions regarding the designation of new entrant ETCs under 47 U.S.C. § 214(e), clearing the way for future competitive entry into the market for providing universal service. Second, it would establish an expedited procedural template for future federal and state ETC designation proceedings, which should help speed the process of designating ETCs for federal universal service support.

Western Wireless satisfies all of the established criteria for being designated by the FCC as an ETC for the state of Wyoming, notwithstanding opposing arguments to the contrary. As a threshold matter, the FCC properly must exercise jurisdiction over this case. Section 214(e)(6) of the Act commands the FCC to designate as ETCs "carriers not subject to state commission jurisdiction," and the Wyoming Public Service Commission ("PSC") expressly held that it lacks jurisdiction to designate commercial mobile radio service ("CMRS") providers like Western Wireless as ETCs. The Commission should reject the incumbent local exchange carriers' ("ILECs") anti-competitive arguments to the contrary, which ignore the Wyoming PSC's disavowal of jurisdiction, and would deprive Western Wireless of a forum for seeking ETC status in Wyoming.

Moreover, Western Wireless has shown that it offers all of the enumerated services required of ETCs by Section 214(e) of the Act and Section 54.101(a) of the Commission's rules, and no party provides any serious arguments to the contrary. Rather, the opposing parties attempt to devise additional ETC criteria and argue that Western Wireless fails to meet them. The Commission must reject such arguments, as well as the apparent opposition of certain ILECs to designating any CMRS providers as ETCs.

Finally, Western Wireless has shown that designating it as an ETC in rural telephone company service areas in Wyoming will advance the public interest by promoting the availability of competitive universal service options to consumers in those areas, as well as giving incumbent carriers incentives to improve the quality of their own offerings. No party provided any specific data refuting this showing. Instead, the rural ILECs suggest that the public interest can *never* be served by designating additional ETCs in their service areas. The FCC must reject this contention. Rural ILEC concerns that competitive ETCs may have a negative impact on their "bottom lines" should not drive the public interest analysis for rural service areas. Rather, to prevent a commission from rendering a public interest determination in favor of designating an additional ETC, rural ILECs should have to demonstrate that *consumers* in individual areas, served by individual companies, would be harmed by granting ETC status, a showing that no rural ILEC has made here.

In sum, the Commission should proceed rapidly to designate Western Wireless as an ETC for its service areas in Wyoming.

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REPLY COMMENTS OF WESTERN WIRELESS

Western Wireless Corporation's wholly-owned subsidiary, WWC Holding Co., Inc. ("Western Wireless"), by counsel, hereby replies to the comments filed on its Petition for designation as an eligible telecommunications carrier ("ETC") in the state of Wyoming. 1/

The record in this proceeding clearly demonstrates that Western Wireless meets the criteria for designation as an Eligible Telecommunications Carrier ("ETC"), that the Wyoming Public Service Commission ("Wyoming PSC") acknowledges the FCC's jurisdiction over Western Wireless' ETC Petition for that state, and that the public interest would be served by designating Western Wireless as an additional ETC in rural telephone company service areas. As demonstrated below, the FCC must reject the opposing arguments raised by incumbent local

1/ See Public Notice, *Western Wireless Corporation Petitions for Designation as an Eligible Telecommunications Carrier to Provide Services Eligible for Universal Service Support in Wyoming*, CC Docket No. 96-45, DA 99-2511 (rel. Nov. 10, 1999) ("Petition").

exchange carriers ("ILECs") and their representative trade associations as meritless, transparent attempts to stave off competition. Consistent with the Communications Act's universal service provisions and the FCC's rules and policies, the FCC should expeditiously grant the Petition.

I. INTRODUCTION

In its Petition, Western Wireless demonstrated the FCC's jurisdiction under Section 214(e)(6) of the Act 2/ to designate the company as an ETC for Wyoming by showing that the Wyoming PSC held that it lacks jurisdiction to designate the company as an ETC. 3/ Western Wireless also demonstrated that it provides each of the services and functionalities required of ETCs under the FCC's rules, 4/ and that designating the company as an additional ETC for the rural telephone company service areas in Wyoming would service the public interest. 5/

Western Wireless agrees with the Personal Communications Industry Association ("PCIA") that "[g]ranting Western Wireless ETC status is an important

2/ 47 U.S.C. § 214(e)(6) (conferring upon the FCC jurisdiction to designate as ETCs common carriers "not subject to the jurisdiction of a state commission").

3/ Petition at 4-7 (*citing Application of WWC Holding Co., Inc. (Western Wireless) for Authority to be Designated as an Eligible Telecommunications Carrier*, Docket No. 70042-TA-98-1, Record No. 4432, Order Granting Motion to Dismiss Amended Application (rel. Aug. 13, 1999) ("*Wyoming PSC Order*") (attached to Petition as Appendix A)).

4/ *Id.* at 7-11.

5/ *Id.* at 12-13.

step towards ensuring that all common carriers, including [CMRS] providers, enjoy equal opportunities to participate in the FCC's universal service program." 6/

Western Wireless has sought to help fulfill the competitive promise of the 1996 Act by seeking ETC status to provide competitive choices to consumers in the high-cost and rural areas throughout the company's cellular telecommunications service area.

Western Wireless has met with some success, 7/ and is working to clear the hurdles that have been placed before it. 8/ Western Wireless agrees with the Coalition of Rural Telephone Companies ("CRTC") that "there remains a crucial need for Commission attention to universal service policies and rules, particularly with

6/ PCIA at 1-2.

7/ *Western Wireless Corporation Designated Eligible Carrier Application*, Case No. PU-1564-98-428 (ND PSC Dec. 15, 1999) ("*ND ETC Order*") (granting Western Wireless ETC status for non-rural areas in North Dakota); *Minnesota Cellular Corp. Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. P-5695/M-98-1285 (MN PUC Oct. 27, 1999) ("*MN ETC Order*") (granting Western Wireless ETC status in Minnesota).

8/ *Western Wireless Corporation Petitions for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Public Notice, DA 99-1356 (July 19, 1999) ("*South Dakota Petition*"); Western Wireless Record Update and Notice of *Ex Parte* Contact in *Western Wireless Corporation Petitions for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Services Eligible for Universal Service Support to Crow Reservation, Montana*, CC Docket No. 96-45, Public Notice, DA 99-1847 (Sept. 10, 1999) ("*Crow Petition*"), filed Nov. 23, 1999 (notifying FCC that Western Wireless has dismissed its ETC petition for Montana after the state commission there refused to strike or limit the astounding 465-interrogatory discovery request the company received from competing carriers opposing Western's designation as an ETC.).

respect to CMRS providers.” 9/ This proceeding represents an important opportunity for the FCC to address, in a concrete context, any unresolved issues regarding ETC designation, thus smoothing the way for future competitive ETC applicants, both before the state commissions 10/ and at the FCC. 11/

Notwithstanding the need for further FCC clarification, however, the FCC’s rules and policies are more than sufficiently developed to allow grants of ETC

9/ CRTC at 2. *See also* Western Wireless Comments in *Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Further Notice of Proposed Rulemaking, FCC 99-204 (Sept. 3, 1999) (“*Tribal Area FNPRM*”), filed Dec. 17, 1999; *Extending Wireless Telecommunications Services to Tribal Lands*, WT Docket No. 99-266, Notice of Proposed Rulemaking, FCC 99-205 (Aug. 18, 1999) (“*Tribal Area Wireless NPRM*”), filed Nov. 9, 1999; *Crow Petition*, filed Oct. 27, 1999; *South Dakota Petition*, filed Sept. 17, 1999; *Petition of Smith Bagley, Inc. for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Public Notice, DA 99-1331 (July 6, 1999) (“*Smith Bagley*”), filed July 27 and Aug. 6, 1999; *Federal-State Joint Board on Universal Service*, Seventh Report and Order and Thirteenth Order on Reconsideration, 14 FCC Rcd 8078 (1999) (“*Universal Service Seventh Report and Order*”), filed July 23, 1999; *Federal State-Joint Board on Universal Service*, Mem. Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252 (1998), filed Jan. 11 and 25, 1999.

10/ In addition to being designated as an ETC in Minnesota and North Dakota while being denied ETC status in South Dakota, Western Wireless has filed 10 other state ETC petitions, nine of which remain pending. (As noted above, *supra* note 8, Western Wireless has voluntarily dismissed its petition for ETC designation in Montana.)

11/ *See South Dakota Petition, supra* note 8; *Smith Bagley Petition, supra* note 9; Public Notice, *Petition of Cellco Partnership d/b/a Bell Atlantic Mobile, for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, DA 99-2544 (rel. Nov. 16, 1999) (“*BAM Petition*”).

status to wireless providers. 12/ In these Reply Comments, Western Wireless further demonstrates that its cellular service offering fulfills all the existing requirements for an FCC grant of ETC status under Section 214(e)(6), and that the opposing comments of the ILECs are without merit.

II. THE FCC HAS JURISDICTION TO GRANT WESTERN WIRELESS' ETC PETITION UNDER SECTION 214(e)(6)

As demonstrated in the Petition, the FCC has jurisdiction over the instant Petition under Section 214(e)(6) because the Wyoming PSC lacks jurisdiction over Western Wireless. 13/ As AT&T recognizes, the premise is a simple one:

12/ Western Wireless notes the hypocrisy of arguments offered by CRTC and the Wyoming Telecommunications Association ("WTA") to the effect that "uncertainties" remaining in the federal universal service program merit denying a competitor ETC status. CRTC at 13-17; WTA at 11-14. These uncertainties were not sufficient to prevent CRTC's or WTA's members from being designated as ETCs, so they certainly provide no grounds upon which to delay or deny Western Wireless' ETC Petition here. At bottom, CRTC and WTA are essentially arguing that *no* CMRS provider can be designated as an ETC *anywhere* under the current state of the law. This proposition has been soundly – and correctly – rejected by both the FCC, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, First Report and Order, 12 FCC Rcd at 8858-59, ¶ 145 (1997) ("*First Universal Service Order*"), *Universal Service Seventh Report and Order*, 14 FCC Rcd 8078, 8082-83, 8085, 8113, ¶¶ 10, 15, 72 (1999), and by most states that have been presented with the question. See *MN ETC Order* at 7; *ND ETC Order* at ¶ 36; *Yelm Telephone Company, et al*, Docket No. UT-970333 (WA Utilities and Transportation Commission Dec. 27, 1997); *Eligible Telecommunications Carriers in Arkansas*, Docket No. 97-326-U (AR PSC Nov. 7, 1997); *Designation of Eligible Telecommunications Carriers Under Part 54 of Title 47 of the Code of Federal Regulations*, Docket No. 05-TI-162 (WI PSC Dec. 23, 1997); *All Incumbent Local Exchange Carriers, Sprint PCS, and MGC Communications, Inc., to Designate Eligible Communications Carriers*, Resolution T-16105 (CA PUC Dec. 16, 1997).

13/ Petition at 4-7.

Western Wireless filed a petition for ETC status with the Wyoming PSC, which the PSC dismissed under a Wyoming statute depriving it of jurisdiction, so the FCC is required to rule. 14/ The Wyoming PSC's decision regarding its organic statute is entitled to significant deference, 15/ and its determination that a state statute deprives it of jurisdiction over a carrier should be conclusive evidence that the state lacks jurisdiction and Section 214(e)(6) applies. 16/ The basis for the FCC's jurisdiction here is thus abundantly clear.

A. There is No Basis for Depriving Western Wireless of a Forum for Obtaining Designation as an ETC in Wyoming

The FCC must reject the opposing arguments that would deprive Western Wireless' of any forum to seek ETC designation for Wyoming. USTA's recommendation that the FCC deny jurisdiction 17/ would leave Western Wireless with no agency to turn to in seeking designation as an ETC, which in turn would

14/ AT&T at 2.

15/ See, e.g., *Mowry v. Wyoming Retirement Bd.*, 866 P.2d 729, 731 (Wy. 1993); *General Chemical Corp. v. Wyoming State Bd. of Equalization*, 819 P.2d 418, 422 (Wy. 1991).

16/ This should especially be true where, as here, the state has not filed comments or otherwise indicated to the FCC that it has jurisdiction over a carrier seeking ETC designation from the FCC pursuant to Section 214(e)(6).

17/ USTA at 1-5.

essentially prevent it from competing with USTA's Wyoming ILEC members. 18/ Western Wireless certainly concurs with USTA's professed support for fully portable universal service support. 19/ FCC refusal to exercise its Section 214(e)(6) jurisdiction here, however, would be completely inimical to those goals by barring Western Wireless the opportunity available to USTA's Wyoming members, *i.e.*, providing service to high cost and rural areas in that state. In addition, it would be completely inconsistent with the very reasons that Section 214(e)(6) was added to the Act – to provide a forum for the designation of carriers over which state commissions lack jurisdiction, including tribal carriers. 20/

The Commission must also reject WTA's similar attempt to deprive Western Wireless of a forum in which to seek an ETC designation for Wyoming. 21/ WTA correctly recites that Section 214(e)(2) generally tasks state commissions with

18/ See PCIA at 2 ("Should the Commission decide not to grant Western Wireless ETC status, Western Wireless would be precluded from entering the rural Wyoming marketplace.").

19/ USTA at 5.

20/ The legislative history of Section 214(e)(6) reveals that the provision was intended to provide the FCC with jurisdiction to designate as ETCs all carriers over which state commissions lack jurisdiction, not just tribal carriers. See 143 Cong. Rec. at H10807- H10808, Nov. 13, 197 (noting that, prior to adding of Section 214(e)(6), Section 214(e) "ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most notably, some carriers owned or controlled by native Americans"). This language shows that "carriers owned or controlled by native Americans" comprise only a subset of "carriers not subject to the jurisdiction of a State commission."

21/ WTA at 2-4.

designating ETCs. 22/ However, a later-adopted provision of the Act, Section 214(e)(6), corrected the Act's oversight of the fact that some state commissions lack jurisdiction to designate some carriers as ETCs under Section 214(e). Thus it is irrelevant here that some states, such as Montana, have taken steps to amend their state telecommunications statutes to remedy this problem 23/ (or that other states, such as Wyoming, have considered, but not adopted, similar legislation 24/). Therefore the FCC should decline USTA's and WTA's anticompetitive invitations to prevent Western Wireless from competing in Wyoming, and instead exercise jurisdiction under Section 214(e)(6) to grant Western Wireless' Petition.

B. Because the Wyoming PSC's Order Results in FCC Jurisdiction Over Western Wireless' Wyoming ETC Petition, Arguments Criticizing Other Jurisdictional Theories are Irrelevant

The Wyoming PSC's determination that it lacks jurisdiction provides the clear basis for FCC jurisdiction over this matter. CRTC's and the United States Telecommunications Association's ("USTA") jurisdictional arguments, directed at

22/ *Id.* at 2-3.

23/ *Id.* at 3-4 and n.3.

24/ WTA's suggestion that Western Wireless' attempt to seek amendments to the Wyoming statute to a facilitate competitively neutral universal service system in Wyoming somehow renders Western Wireless in agreement with WTA on this point is misplaced. WTA at 3. The proposed amendments cited by WTA (and attached to its comments), *id.* at 3-4 and n.3 and Attachment, would affect only the *state* universal service program and would thus have no effect on the Wyoming PSC's jurisdiction to designate ETCs for the federal program. Moreover, as noted by WTA, *id.* at 4 n.3, the proposal was not adopted.

Section 332 of the Act, 25/ completely miss the point. USTA and CRTC focus their fire on the theory that the FCC has jurisdiction to designate Western Wireless as an ETC due to the preemptive effect of Section 332(c)(3)(A) of the Act and Western Wireless' status as a CMRS provider. 26/ While the preemptive effects of Section 332(c)(3)(A) may well be a jurisdictional basis for the FCC to designate CMRS providers as ETCs pursuant to Section 214(e)(6), Western Wireless has not asked the FCC to take that approach in this case, and the Commission need not do so. 27/ The Wyoming PSC's holding, based on its interpretation of the state's telecommunications statute that the PSC lacks jurisdiction to designate Western Wireless as an ETC due to the company's CMRS status, sufficiently demonstrates the lack of state jurisdiction over Western Wireless' ETC Petition in Wyoming. 28/ Arguments opposing other bases for FCC jurisdiction must therefore be rejected as irrelevant. 29/

25/ 47 U.S.C. § 332.

26/ USTA at 3-5 (*citing* 47 U.S.C. § 332(c)(3)). CRTC at 3-4. In addition, CRTC completely invents out of whole cloth its argument that Section 214(e)(6) deals only with *in personam* jurisdiction and not with the present circumstances. CRTC at 4. The CRTC offers no support for its interpretation.

27/ We note that this important issue is before the Commission in another context and need not be addressed to resolve the instant Petition. *See Tribal Area FNPRM* at ¶ 46.

28/ Thus, whether Western Wireless' proposed universal service offering is sufficiently "mobile" to warrant full Section 332(c)(3)(A) preemption, USTA at 4, is not at issue here.

29/ WTA's suggestion that "the FCC has the identical jurisdictional problem as the Wyoming [PSC] (i.e., the inability to regulate them for anything other than quality of service)" is flat wrong. Section 214(e)(6) plainly constitutes an

III. WESTERN WIRELESS OFFERS ALL THE SERVICES SUPPORTED BY THE FEDERAL HIGH-COST UNIVERSAL SERVICE PROGRAM

The Petition for Designation clearly demonstrates how the company's cellular service in Wyoming satisfies each of the nine ETC criteria set forth in Section 54.101(a). The commenters all either readily acknowledge Western Wireless' satisfaction of the ETC criteria, 30/ or make little or no effort to argue that Western Wireless fails to meet any of the enumerated criteria. Instead, the opponents focus their efforts on devising *additional* ETC criteria – having no basis in the Act or the FCC's rules and policies – and then arguing that Western Wireless fails to meet them. They also, contrary to the express language of the FCC's universal service orders, seek denial of the Petition simply because Western Wireless is a CMRS provider. The FCC must not countenance these protectionist efforts.

For example, U S WEST and other opponents argue that Western Wireless' Petition should be denied because the company is not already providing a universal service offering in its proposed Wyoming service area. 31/ They argue that Western Wireless has "gaps" in its service area. 32/ They posit that the

affirmative grant of jurisdiction to the FCC to designate Western Wireless as an ETC, without respect to the other manners in which the FCC may or may not regulate CMRS providers.

30/ Cellular Telecommunications Industry Association ("CTIA") at 3; PCIA at 3-4; AT&T at 2-3.

31/ U S WEST at 3-8; WTA at 5-8.

32/ U S WEST at 8; WTA at 5,7.

"quality" of Western Wireless' cellular service is not up to ETC standards, or that the customer premises equipment ("CPE") the company's customers use disqualify it from ETC status. 33/ They challenge Western Wireless' financial capacity and/or business plan, 34/ the potential pricing of the company's proposed universal service offering, 35/ and even the mere fact that Western Wireless provides mobile cellular service. 36/ Or, they fabricate purported ETC criteria based on stray terms from Sections 254 and 214(e) and argue that Western Wireless fails to meet these so-called "criteria." 37/ None of these, however, are legitimate ETC criteria, so none of them are relevant to the ETC analysis or a basis for denying Western Wireless Petition for Designation as an ETC in Wyoming. The FCC must therefore reject the opponents arguments based on such "criteria."

The FCC should also reject U S WEST's hypocritical argument that Western Wireless' Petition here "fails for lack of a scintilla of evidence in its favor." 38/ Western Wireless' Petition provides at least as much information as

33/ U S WEST at 8, 15.

34/ *Id.* at 9.

35/ *Id.* at 3, 12-14; CRTC at 16.

36/ WTA at 12, 14; CRTC at 11-17.

37/ U S WEST at 11-16.

38/ U S WEST at 8.

U S WEST's Application for ETC status in Wyoming, 39/ which was readily granted by the Wyoming PSC. For example, U S WEST merely avers that it "currently provides, throughout its certificated service territory in Wyoming, each of the services designated for support under 47 C.F.R. § 54.101(a)(1-9)," 40/ whereas Western Wireless spends nearly five full pages explaining how it provides those services and functionalities. 41/ Thus, Western Wireless is at least as deserving as U S WEST of being designated as an ETC in Wyoming.

A. The Commission Should Reject the Opposing Commenters' Request to Inject Additional Requirements into the ETC Designation Process

The FCC should not countenance the opponents' attempts to read additional ETC criteria into the statute. One of the most pernicious of these concerns the timing of ETC designation and the offering of universal service. 42/ It is clear from the statute that an ETC applicant need not already be providing ubiquitous universal service before being designated, and that it is sufficient that the applicant simply demonstrate the capability and commitment to do so upon being designated. The Opponents' other arguments are equally without merit.

39/ A copy of U S WEST's petition is attached hereto as Appendix A.

40/ U S WEST Application at 2, ¶ 6.

41/ Petition at 7-11.

42/ See Comments of U S WEST on *South Dakota Petition*, filed Sept. 2 and 17, 1999; *Crow Petition*, filed Oct. 12 and 27, 1999.

The Opponents timing argument must fail for four key reasons. First, the past-tense wording of Section 214(e)(1) confirms that the ETC obligation to "offer" and "advertise" a universal service offering follows designation and not vice versa. ^{43/} Second, Section 214(e)(3) demonstrates that ubiquitous provision of universal service is an obligation of a designated ETC, not a prerequisite to designation. ^{44/} Third, requiring ETC applicants to first ubiquitously provide universal service in its designated service area creates the tautology of not knowing *where* to offer and advertise the offering, as no "service area" determination will have yet been made. ^{45/} Fourth, no carrier can be reasonably expected to competitively provide a universal service package to customers without being eligible for universal service funding which is only available to designated ETCs. This is the path the FCC has followed on previous 214(e)(6) petitions, ^{46/} as have

^{43/} See 47 U.S.C. § 214(e)(1) (directing common carriers "*designated*" as an ETC to offer and advertise the services) (emphasis added).

^{44/} See 47 U.S.C. § 214(e)(3) (authorizing State commissions to designate a carrier as an ETC for purposes of serving an unserved area). Under this provision, state commissions must determine which common carrier is best able to provide the service subsequent to designation, so it is obvious that such a carrier will not be currently providing the supported services, and likely will have no infrastructure in place in the "unserved area."

^{45/} See 47 U.S.C. § 214(e)(5) (defining a "service area" as "a geographic area established by a State commission . . . for the purpose of determining universal service obligations and support mechanisms").

^{46/} *Designation of Fort Mojave Telecomms., Inc., et al.*, 13 FCC Rcd 4547, 4553 (CCB 1998) ("*Fort Mojave*"); see also *Universal Service First Report and Order*, 12 FCC Rcd at 8853, ¶ 137 ("a carrier must meet the section 214(e) criteria as a

the North Dakota and Minnesota commissions have taken in granting Western Wireless' ETC petitions, 47/ and it the approach of other states as well. 48/ Thus, the Commission must reject U S WEST's and WTA's unsupported claims that Western Wireless' ETC petition is "deficient" because it fails to demonstrate that the company is already providing universal service. 49/

condition of its being designated as an [ETC] and *then* must provide the designated services to customers pursuant to the terms of section 214(e) in order to receive support") (emphasis added).

47/ See, e.g., *ND ETC Order* at ¶ 36 ("We find that the requirement to 'offer' services 'throughout' a service area does not require physical facilities to be in-place to every potential customer in the service area[, but rather that f]acilities to serve customers are required at some reasonable time after the customer agrees to the terms and conditions of the service provided."). Even the *MN ETC Order*, which U S WEST submits for the record at Exhibit F of its Comments, recognizes this principle. See *MN ETC Order* at 7 ("The designation comes first; the obligation to offer and advertise the supported services follows.").

48/ *Provision of Universal Service to Telecommunications Consumers*, Case No. 8745, Order No. 73802, 88 Md. PSC 239, 1997 WL 1008436, *3 (1997) (granting MCI ETC status based on its intent and ability to provide the supported services).

49/ U S WEST at 3-8; accord, WTA at 5-6. Equally erroneous is U S WEST's interpretation, *id.* at 5-6 n.6, of *Texas Office of Pub. Util. Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999), given that the case does not address the timing question in any way, shape or form. Likewise, U S WEST's attempt to show that any state commission other than South Dakota agrees with it vis-à-vis the timing of ETC designations, U S WEST at 4-5 n.5, is unavailing. Minnesota agrees with Western Wireless, see *supra* note 47, notwithstanding that U S WEST and other protectionist ILECs may seek reconsideration, U S WEST at 4-5 n.5, and so do North Dakota, see *supra* note 47, and Washington. See Comments of Washington Utilities and Transportation Commission on *South Dakota Petition*, filed Sept. 17, 1999, at 3 (noting that, to facilitate competitive entry, states must designate carriers as ETCs prior to their providing universal service, because competitive entry will not occur if a carrier must invest in plant and equipment prior to knowing if it will be an ETC).

Likewise, the fact that Western Wireless' cellular signal does not provide "gap-free" cellular coverage in Wyoming 50/ clearly does not prevent ETC designation there. No carrier blankets its service area with service 51/ – each covers most of its area and is able and willing to quickly and efficiently extend service wherever a customer requests it. 52/ Thus, *no carriers* would be eligible for universal service support if carriers were disqualified from being designated as ETCs simply due to terrain within their service areas where service is not already

50/ U S WEST at 8-9 (arguing, for example, that Western Wireless should not be designated as an ETC in Wyoming because it has "refused to provide evidence regarding the . . . phenomenon of service gaps or black holes"). *See also* WTA at 6.

51/ Indeed, there are probably hundreds of square miles of Wyoming within U S WEST's service area that do not have U S WEST lines running across them. This does not mean that U S WEST is not fit to provide universal service or should be ineligible to be designated as an ETC, so long as U S WEST can feasibly extend facilities to these areas if a customer requests it. Western Wireless should be treated no differently. In fact, wireless providers are often able to extend service within their coverage areas more quickly and less expensively than wireline carriers, with only slight modification to existing facilities or the addition of relatively easy-to-construct additional facilities. *See, e.g., Tribal Area Wireless NPRM* at ¶ 7.

52/ WTA's complaint that a new entrant ETC could serve non-high-cost ILEC customers while avoiding serving high-cost customers within the new entrant's service area, because the new entrant lacks facilities that reach the requesting high-cost customer, WTA at 8-9, is misplaced. Section 214(e)(1) requires carriers designated as ETCs to provide service to all customers throughout the ETC's service area, and ETCs are therefore required to extend facilities to reach any requesting customer. *See Universal Service First Report and Order*, 12 FCC Rcd at 8856 ("section 214(e) prevents [ETCs] from attracting only the most desirable customers by . . . requiring [ETCs] to offer the support services and advertise [their] availability 'throughout the service area'"). Likewise, WTA's concern that "significant questions as to the methodology and compensation of traffic flowing between Western Wireless and the independents," *id.* at 6, is irrelevant. Interconnection and compensation requirements have nothing whatsoever to do with ETC designations.

available. Requiring gap-free coverage, therefore, would obviously be untenable and inconsistent with Sections 254 and 214(e). 53/

Next, the FCC must reject the meritless arguments that Western Wireless does not meet the ETC "criteria" that the opposing ILECs have concocted from the language of Section 254. Both the FCC and the Fifth Circuit have recognized that the Section 254 principles address the establishment of universal support mechanisms and are not criteria for ETC designation. 54/ Thus, allegations that

53/ CRTC's argument that the quality of Western Wireless' service in Wyoming is "essentially unknown because it is not in operation," CRTC at 5-6, is both factually inaccurate and legally irrelevant. First, Western Wireless has been providing cellular service in Wyoming for some time and, as reflected in the Petition for Designation, Western Wireless' proposed universal service offering uses the same facilities and authorizations, and aside from wireless local loop ("WLL") CPE, is substantially identical to its existing cellular offering. See Petition at 3-4; Western Wireless Reply Comments on *Crow Petition* at 7-8 ("Western Wireless' existing cellular service offerings, provided over its cellular network infrastructure, furnishes all of the services and functionalities enumerated by the FCC as necessary for designation as an ETC[, so its] universal service offering will simply package its existing services and functionalities into an offering that is consistent with the FCC's rules"). Second, beyond providing the services and functionalities specified by Section 54.101(a), a carrier's "service quality" is not an ETC criteria, but rather a matter for the competitive marketplace to address. U S WEST's criticisms regarding the quality of Western Wireless' proposed universal service offering, U S WEST at 15, is therefore equally misplaced. The FCC has already considered – and correctly rejected – the imposition of "quality" as an ETC criteria. See *Universal Service First Report and Order*, 12 FCC Rcd at 8854-88, ¶ 140.

54/ See *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d at 411 (holding that Section 254(b) does not "set[] up specific conditions or requirements," but rather provides overarching principles for FCC and state commission universal service policies).

Western Wireless has not demonstrated that its service is "affordable," 55/ must be rejected as taking the term "affordable" out of context from Section 254(b)(1) of the Act. 56/ The same holds true for arguments that the FCC should consider whether Western Wireless' universal service offering is "substitutable" for ILEC service, 57/ that carriers seeking ETC status be forced to demonstrate financial qualification for designation, 58/ or that designating CMRS providers as ETCs while allowing them to retain their CMRS regulatory status is not "competitively neutral." 59/

55/ U S WEST at 12.

56/ U S WEST and CRTC completely misread Section 254's "affordability" requirement. *Id.* at 12-13 and n.26; CRTC at 7. That reference to affordability means that the universal service should exist so that service in high-cost and rural areas of the country will be subsidized to prevent it from becoming unaffordable, not that state or federal agencies should impose some arbitrary notion of what ETC service offerings should cost. Under the federal mechanism, the size of the subsidy remains the same regardless of who the carrier is.

57/ Contrary to U S WEST's suppositions, there is no basis for inquiring whether a wireless petitioner would be adequate as the sole ETC, U S WEST at 15-17, because it is highly unlikely that any ILEC will surrender ETC status. Even if an ILEC took that drastic step, states are required to give any remaining ETC(s) sufficient time to gear up to meet any additional burdens. *See* 47 U.S.C. § 214(e)(4); *see also MN ETC Order* at 18 (noting that if an ILEC relinquished ETC status and stopped providing service, "the Commission, [any additional ETC(s)], and interested parties would have the statutory twelve-month waiting period to determine how to deal with the development"). Thus, such concerns are more appropriately raised in a proceeding in which an ILEC seeks to relinquish its ETC designation. In any event, the FCC has already considered – and correctly rejected – the need for imposing carrier-of-last-resort requirements on ETCs. *See Universal Service First Report and Order*, 12 FCC Rcd at 8855-56, ¶ 142.

58/ Likewise, the Commission should decline U S WEST's invitation to require Western Wireless to offer an "unbundled" or "unadorned" universal service package, *see* U S WEST at 18-19; *see also WTA* at 12 (faulting Western Wireless for

U S WEST's attempt to have the Commission read a general public interest requirement into the ETC analysis for even non-rural-telephone-company service areas, *i.e.*, U S WEST's Wyoming service areas, 60/ should also be rejected. The statutory public interest inquiry in Section 214(e)(2) is required only for areas served by rural telephone companies, and not non-rural-telephone-company service areas, where state commissions are commanded to designate as ETCs carriers meeting the requirements of Section 214(e)(1). 61/ Not only does U S WEST's reading conflict with the plain language of the statute, its interpretation would

proposing to offer its universal service customers an expanded calling area and other call features), given that U S WEST admits, as it must, that the Fifth Circuit upheld the FCC's past refusal to impose a requirement for such "unbundling." U S WEST at 13-14

59/ WTA at 10-11. The substance of WTA's argument that, in order for CMRS providers to be eligible for support, they should be subject to the same requirements as other local exchange carriers, *id.* at 11, has already been considered and rejected by the Commission. *See Universal Service First Report and Order*, 12 FCC Rcd at 8858 ("The treatment granted to certain wireless carriers under section 332(c)(3)(A) does not allow states to deny wireless carriers [ETC] status."); *see also infra* note 65 and accompanying text.

60/ U S WEST at 10-12.

61/ *See, e.g., North Dakota ETC Order* at ¶ 36 ("[W]e believe that a primary purpose to be served by [] state decision-making, *particularly in the case of non-rural areas since there is no public interest test and the states must designate an ETC*, is to determine whether the company seeking designation as an ETC is capable of offering the services . . .") (emphasis added).

render the public interest requirement for rural service areas superfluous, contrary to long-accepted maxims of statutory interpretation. 62/

B. CMRS Providers Such as Western Wireless are Eligible to be Designated as ETCs and Receive Universal Service Support

Western Wireless also need not distinguish "its eligible universal service" from its "ineligible CMRS services." 63/ Contrary to CRTC's and WTA's belief, the Commission has already rejected the notion that mobility should deprive a universal service offering of eligibility. 64/ To the contrary, the FCC has clearly stated that any carrier, including a CMRS provider, using any technology, can be designated as an ETC. 65/ The FCC took this step with full knowledge that CMRS

62/ See, e.g., *C.F. Comms. Corp. v. FCC*, 128 F.3d 735, 739 (D.C. Cir. 1997) (reversing FCC action based on Act interpretation that "violates the familiar principle of statutory interpretation which requires construction 'so that no provision is rendered inoperative or superfluous, void or insignificant'" (quoting *Mail Order Ass'n of America v. United States Postal Service*, 986 F.2d 509, 515 (D.C.Cir. 1993)).

63/ Contra, CRTC at 11.

64/ CRTC at 12-13; WTA at 12. WTA's concern that Western Wireless can use the fact that its universal service offering will be mobile to "manipulate the system," WTA at 12-13, is misplaced. The amount of universal service support Western Wireless receives will not be based on where its customers go with their CPE, but upon where their service is based, i.e., their "home" or "non-roaming" service area.

65/ *Universal Service First Report and Order*, 12 FCC Rcd at 8858-59, ¶ 145; *Universal Service Seventh Report and Order*, 14 FCC Rcd 8078, 8082-83, 8085, 8113, ¶¶ 10, 15, 72 (1999). Moreover, the FCC has held that CMRS providers may do so without foregoing their Section 332(c) regulatory treatment. See *Universal Service First Report and Order*, 12 FCC Rcd at 8858. Thus, neither the FCC nor Western Wireless must face the Hobson's choice proffered by WTA. See WTA at 14

providers – commercial *mobile* radio service providers – provide *mobile* service, 66/ and the FCC should resist all attempts to have it reverse this decision. 67/

The FCC should likewise rebuff the ILECs' attempts to have Western Wireless disqualified as an ETC based on the particular equipment the company's universal service customers might use. So long as the universal service offering provides the enumerated services and functionalities, it is irrelevant what kind of CPE the end-user customer uses. Thus, ILEC objections to designating Western Wireless as an ETC because it has not specified whether its universal service customers will use mobile, hybrid fixed/mobile or other CPE, 68/ or their quibbles with the battery duration of the CPE, 69/ are insupportable.

(arguing that either "both the state commission [and] the FCC [lack] the jurisdiction to designate [Western Wireless] as an ETC[, or Western Wireless' provision of] local service via cellular facilities allows both the FCC and the state commission to regulate it as a local exchange provider").

66/ Western Wireless has thus not "created an ambiguity" (nor does it need to) to allow the company to receive support for both its hybrid fixed/mobile service and its mobile service. *Contra*, CRTC at 12. Likewise, the Commission should reject WTA's argument that Western Wireless' Wyoming Petition should be denied due to the regulatory status of CMRS providers. WTA at 10. The FCC was clearly aware of the regulatory burdens and freedoms accorded to CMRS providers under federal law, yet the FCC decided that CMRS providers, without caveat or being subject to additional regulatory oversight, could be designated as ETCs. *See supra*, note 59.

67/ *E.g.*, WTA at 14 ("WTA believes that USF support should only be allowed for fixed cellular or wireline like services.").

68/ U S WEST at 1-3.

69/ CRTC at 5 n.17.

IV. DESIGNATING WESTERN WIRELESS AS AN ETC FOR THE RURAL TELEPHONE COMPANY SERVICE AREAS IN WYOMING WILL SERVE THE PUBLIC INTEREST.

As noted in the Petition, designating Western Wireless as an ETC for the parts of Wyoming served by rural telephone companies clearly serves the public interest for several reasons: (1) it will facilitate universal service competition to the benefit of consumers; (2) it will bring consumers in Wyoming new telecommunications services, including WLL service; and (3) it will promote rapid development of new technologies in rural Wyoming by Western Wireless' deployment of advanced facilities and by incenting the rural telephone companies to improve their networks to stay competitive. 70/ As AT&T demonstrates, allowing wireless carriers to provide rural customers with the benefits of competition enjoyed by their urban and suburban counterparts would serve the public interest. 71/

70/ Petition at 12-13 (*citing* 47 U.S.C. § 214(e)(2) ("consistent with the public interest, convenience and necessity, the State commission may, in the case of an area served by a rural telephone company . . . designate more than one common carrier as an [ETC]") (other citations omitted). Under Section 214(e)(6), the FCC stands in the place of a state commission for this purpose.

71/ AT&T at 3-4 ("As the Commission has found generally, designating wireless carriers as ETCs in rural areas would help provide residents with the choices in innovative service offerings currently available in cities and suburbs."); *accord*, PCIA at 4 ("Western Wireless' presence in the rural Wyoming marketplace will bring competition to a region starving for another carrier, thereby resulting in lower prices and higher quality service for the rural Wyoming consumer[as well as] the provision of new and advanced telecommunications and information services to the Wyoming telecommunications consumer, including wireless local loop service").

CRTC's argument that "duplicate, competing networks could have the counter-productive effect of depriving either network of the necessary support" is really an anti-competitive wolf in pro-consumer sheep's clothing. 72/ A competitive ETC can deprive a rural telephone company of support only by capturing the rural carrier's customers. So, CRTC's and WTA's concern is really that a competitive ETC could come into a rural market with an equivalent or superior service and "steal" rural ILEC support. Carried to its logical conclusion, the arguments put forth by CRTC and WTA argument would lead to new entrant ETCs almost *never* being designated in rural areas, and rural telephone company markets being insulated from competition forever. 73/ Clearly this is not the result Congress intended when it decided to allow competitive ETCs to be designated "in the public interest" in rural areas.

Thus, the Commission must not let the fact that competition may affect rural telephone company "bottom lines" drive the Section 214(e)(2) public interest analysis for designating additional ETCs in rural telephone company service areas. Rather, the FCC should weigh (and require the states to weigh) the *demonstrable results* that designating an additional carrier will have *on consumers*, and the benefits to rural consumers of open competition. Given the manifold

72/ CRTC at 9. The same is true of WTA's similar arguments. *See* WTA at 7-8.

73/ *See, e.g.,* WTA at 7 ("The loss of even a small number of customers to a rural company such as Chugwater, Wyoming (serving 284 customers) could have a profound effect . . .").

benefits competition provides to consumers (including those enumerated above), and the overall preference for competitive markets embodied in the 1996 Act, one or more rural telephone companies should have to proffer significant, *specific* evidence of harm to consumers in their service areas to defeat a public interest determination in favor of designating an additional ETC. 74/

No rural telephone company has made such a showing here. In fact, no individual Wyoming rural telephone company even filed in this proceeding. Instead, the CRTC, a coalition that does not even include any Wyoming rural telephone companies as members, 75/ filed comments citing harms that *could* occur from the designation of additional ETCs in rural telephone company service areas generally, 76/ and the WTA provides only similar general and hypothetical

74/ Accord, *MN ETC Order* at 16 (holding that once an ETC applicant makes an initial showing that competition will not harm consumers in rural telephone company service areas, it is "incumbent upon the rural telephone companies to produce facts demonstrating that consumers *in individual areas served by individual companies* would be harmed by granting ETC status") (emphasis added). (The Minnesota PSC went on to grant Western Wireless ETC status for the rural telephone company service areas for which it applied, based on the facts that consumer choice, innovation in services, development of new technologies, lower prices, higher quality, and greater efficiency would all result from granting ETC status, and that the rural telephone companies had rebutted this evidence solely with "general economic theory." See *id.* at 16-18.)

75/ CRTC at 1 n. 1 ("The Coalition includes 29 LEC members of the State Independent Telephone Association of Kansas, 21 Independent LECs in Minnesota, and 18 Independent LECs in Nebraska.").

76/ *Id.* at 9-10. Contrary to CRTC's protestations, CRTC at 6, CMRS-based universal service *will* lead to greater access to advanced telecommunications and information services. Wireless technology is continually evolving. For example,

harms. ^{77/} Surely this amorphous showing is not sufficient to counter the specific public interest benefits set forth by Western Wireless in the Petition and herein. Thus, the Commission should designate Western Wireless as an ETC for service areas consisting of the study areas of Wyoming's rural telephone companies, in addition to those served by U S WEST and United Telephone Company, which are not rural telephone companies. ^{78/}

Sprint has just commenced widespread offering and advertising of wireless web service. See <http://www.sprintpcs.com/wireless/index.html>. It is thus entirely myopic to judge wireless services on the current or past state of the art. More importantly, it is irrelevant as a legal matter, as the FCC has established no data rate requirement for ETCs.

Notwithstanding that it is not an ETC criterion, Western Wireless can provide residential Internet access at up to 9.6 Kilobits per second ("Kbps"), and the company can upgrade to second-generation technology providing Internet access as fast as 28.8 Kbps, if there is demand for faster Internet access. Moreover, vendors have informed Western Wireless that third-generation technology, which will provide Internet connections at 100 Kbps, should be available by the first quarter of 2001. QUALCOMM has announced the development of high data rate, or "HDR" technology for wireless data delivery at speeds up to 2.4 Mbps (significantly faster than even T1 access), that can be used by wireless carriers to provide high-speed Internet access, including streaming video. See Comments of QUALCOMM Incorporated on *Tribal Area FNPRM*, filed Dec. 17, 1999.

^{77/} WTA at 7-9.

^{78/} WTA's suggestion that the FCC cannot "adequately address" the public interest issues attendant to the instant Petition, WTA at 4, is misplaced. Even U S WEST, which opposes the Petition, agrees that the FCC is up to the task. U S WEST at 11 ("[The public interest is the very *raison d'être* of the Commission. * * * * In its jurisdiction, it is the guardian of the public interest.").

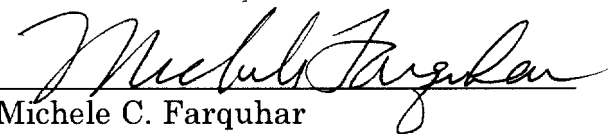
V. CONCLUSION

For the foregoing reasons, the Commission should designate Western Wireless as an ETC for its requested designated service in Wyoming.

Respectfully submitted,

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January 10, 2000

APPENDIX A

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION)	DOCKET NO.
OF U S WEST COMMUNICATIONS, INC.)	70000-TA-97- <u>357</u>
FOR DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER UNDER)	
47 U.S.C. §214(e)(2).)	

APPLICATION

U S WEST Communications, Inc. (U S WEST) hereby requests that the Public Service Commission of Wyoming (Commission) designate U S WEST an eligible telecommunications carrier for all areas in which it is authorized to provide service within the State of Wyoming. This request is made pursuant to 47 U.S.C. §214(e)(2) and 47 C.F.R. §54.201.¹ U S WEST requests that it be designated as eligible to receive Universal Service support distributed pursuant to Part 36 and Part 69 of Title 47 of the Code of Federal Regulations and subparts D and E of Part 54 of Title 47.

In support of its request U S WEST shows that:

1. U S WEST is a Colorado corporation duly authorized to do business in Wyoming, with its general offices in Denver, Colorado. It is a telecommunications company as defined by W.S. §37-15-103(a)(xi), authorized by the Commission to provide all local exchange telecommunications services within its certificated service territory in Wyoming and to provide intraLATA toll service in Wyoming.

2. By this Application, U S WEST seeks designation as an eligible telecommunications

¹All references to 47 C.F.R. Part 54 are to final rules adopted by the Federal Communications Commission In The Matter of Federal State Joint Board on Universal Service, CC Docket No. 96-45, rel. May 8, 1997, cited herein as Order.

carrier in its certificated service areas in Wyoming. Individual support areas for purposes of this Application shall be no larger than designated wire center boundaries and U S WEST reserves the right, for high cost purposes, to create areas smaller than a wire center based on population distribution and other relevant factors. Order, ¶¶ 192-193.

3. U S WEST is a telecommunications carrier as defined in 47 U.S.C. §153(44) and 47 C.F.R. §51.5, and is a telecommunications carrier for purposes of 47 C.F.R. Part 54.

4. U S WEST is an incumbent local exchange carrier as defined in 47 C.F.R. §51.5 and provides interstate telecommunication services for purposes of 47 U.S.C. §254(d) and 47 C.F.R. §54.703(a).

5. U S WEST is not a rural telephone company within Wyoming as defined by 47 U.S.C. §153(37) and 47 C.F.R. §51.5 and is not a rural telephone company within Wyoming for purposes of 47 C.F.R. Part 54.

6. U S WEST currently provides, throughout its certificated service territory in Wyoming, each of the services designated for support under 47 C.F.R. §54.101(a)(1)-(9),² utilizing its own facilities.

7. U S WEST presently advertises the availability of each of the supported services identified in 47 C.F.R. §54.101(a)(1)-(9) throughout its certificated service territory in Wyoming, using media of general distribution. Examples of relevant advertising are submitted herewith as Exhibit 1. The methods of advertising include TV, newspaper, magazine, radio, direct mail, exhibits

²Service designated for support under this provision are voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance and toll blocking for qualifying low-income consumers.

and displays, bill inserts, booklets and directory advertising.

8. U S WEST is in the final years of its multiparty upgrade program, where it has upgraded roughly 2000 multiparty customers to one party service. Due to exceptional circumstances, a small portion of customers (approximately 100 lines) served by U S WEST will not have single-party service available to them and some high cost applicants for service (approximately 200 lines) will remain unserved. Due to the exceptionally high cost (approximately \$7 million) to provide single party service to the 100 customers and for serving the 200 high cost applicants for service, there are no plans using currently available technology to make network upgrades necessary to provide these services. U S WEST nevertheless requests that the Commission authorize receipt of universal service support for these portions of its identified service areas since U S WEST is in substantial compliance with the requirement that it provide the supported services throughout its serve area despite these de minimus exceptions. Alternatively, U S WEST seeks designation under 47 C.F.R. §54.101(c), with the additional time within which to make network upgrades necessary to provide these services to be determined by agreement between U S WEST and the Commission and contingent upon future technological changes that will allow cost effective network upgrades.

9. U S WEST requests that the Commission expedite its consideration of this Application and designate U S WEST as an eligible carrier not later than December 31, 1997. This will allow U S WEST to meet the requirement contained in 47 CFR 54.201 that, effective January 1, 1998, only eligible carriers may receive federal Universal Service support.

WHEREFORE U S WEST requests that the Commission enter its Order designating U S WEST as an eligible telecommunications carrier under 47 U.S.C. §214(2) to receive Universal Service support distributed pursuant to Part 36 and Part 69 of Title 47 of the Code of Federal

Regulations and subparts D and E of Part 54 of Title 47 for its service areas and that the Commission enter its Order not later than December 31, 1997.

DATED this 5th day of September 1997.

BY: 

Paul J. Hickey

HICKEY, MACKEY, EVANS,

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1712 Carey Avenue

P.O. Box 467

Cheyenne, WY 82003

(307) 634-1525

William P. Heaston

U S WEST Communications, Inc.

1801 California Street, Suite 5100

Denver, CO 80202

(303) 672-2810

1997 Small Business Advertising for Wyoming

<u>Product Name</u>	<u>Amount</u>
12 For 10 - Business	\$11,232.69
Audio Conferencing - Business	\$114.00
Business Receptionist	\$16,412.32
Business Voice Messaging	\$645.20
CCS Usage - Business	\$14,913.97
Class Usage - Business	\$19,804.40
Home Office - Business	\$48,820.18
<u>Grand Total:</u>	\$111,942.76

04-Sep-97

1



Consumer Advertising Expenses Wyoming - 1997

<u>Product</u>	<u>Amount</u>
Caller ID - Consumer	\$0.00
Caller ID Free Box - Consumer	\$282,377.47
CCS Usage - Consumer	\$102,585.43
CLASS Usage - Consumer	\$12,655.62
FIC I - Consumer	\$2,813.60
Home Receptionist - Consumer	\$3,491.81
National DA - Business	\$23.73
National DA - Consumer	\$12,293.21
Phone Improvement - Consumer	\$5,201.98
Toll - Anti-Dial Around - Consumer	\$5,177.54
Toll - Consumer	\$20,546.37
Voice Messaging - Consumer	(\$2,193.73)
Grand Total	\$444,973.03

1996 Small Business Advertising for Wyoming

<u>Product Name</u>	<u>SumOfLine Item Amount</u>
12 FOR 10	\$12,586.17
1FB	\$4,910.04
BUS RCPTNIST	\$5,379.16
BVMS	\$2,778.48
CLASS USAGE	\$9,902.20
CLASS/CID	\$2,212.80
CWID	\$318.31
CWID OR CID (CPE)	\$14,585.72
ENHCD FAX SVCS	\$374.08
FEATURES	\$3,677.43
SBL	\$5,905.17
SINGLE#SVC	\$5,160.29
TOLL	\$37.88
Grand Total:	\$67,827.73

04-Sep-97

1

Consumer Advertising Expenses Wyoming - 1996

<u>Product</u>	<u>Amount</u>
Additional Lines	\$8,320.76
Call Waiting ID	\$59,237.13
Caller ID	\$58,021.49
Caller ID ACR Deployment	\$1,193.52
Caller ID Long Distance	\$12,527.65
Home Receptionist	\$5,982.98
Last Call Return	\$29,702.31
The Real Deal	\$60,290.83
Toll	\$9.70
Voice Messaging	\$42,212.10
 Grand Total	 \$277,498.47

[ADVERTISEMENTS REDACTED]

SERVICE LIST

The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-B201
Washington, D.C. 20554

The Honorable Susan Ness
Commissioner
Federal Communications Commission
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Washington, D.C. 20554

The Honorable Harold Furchgott-Roth
Commissioner
Federal Communications Commission
445 Twelfth Street, S.W., Room 8-A302
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The Honorable Michael K. Powell
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